



FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
NORTHEAST REGION

New York Office
201 Varick Street, Suite 1151
New York, New York 10014

July 24, 2013

Allen A. Leon
Brooklyn, New York

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDNER-13-00010033
Document Number: W201332380048

The New York Office received information that an unlicensed broadcast radio station on 102.3 MHz was allegedly operating in Brooklyn, New York. On July 22, 2013, agents from this office confirmed by direction finding techniques that radio signals on frequency 102.3 MHz were emanating from 270 Parkside Avenue in Brooklyn, New York. The Commission's records show that no license was issued for operation of a broadcast station on 102.3 MHz at this location in Brooklyn, New York.

Radio stations must be licensed by the FCC pursuant to 47 U.S.C. § 301. The only exception to this licensing requirement is for certain transmitters using or operating at a power level or mode of operation that complies with the standards established in Part 15 of the Commission's rules, 47 C.F.R. §§ 15.1 *et seq.* The field strength of the signal on frequency 102.3 MHz was measured at 298,806 microvolts per meter ($\mu\text{V/m}$) at 676.7 meters, which exceeded the maximum permitted level of 250 $\mu\text{V/m}$ at 3 meters for non-licensed devices. Thus, this station is operating in violation of 47 U.S.C. § 301.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* arrest action against the offending radio equipment, and criminal sanctions including imprisonment. (See 47 U.S.C. §§ 401, 501, 503 and 510.)

UNLICENSED OPERATION OF THIS RADIO STATION MUST NOT RESUME.

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the FCC. You should include the detail information of the owner's transmitter equipment (i.e. full name, phone number and address). Your response should be sent to the address in the letterhead and reference the listed case and document number.

Under the Privacy Act of 1974, 5 U.S.C. § 552a(e)(3), we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with FCC Rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Stephen Maguire
District Director
New York Office

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet", March 2005